

Kares, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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COLUMBIA GAS TRANSMISSION :
CORPORATION, :

Plaintiff, :

- against - :

LEWIS PERRY, YOLANDA PERRY, :
ALEXANDER ROAD ASSOCIATION, INC., :
ANTHONY VULPONE, ESTATE OF ANTHONY :
VULPONE, ROBERT ANTALOCY, :
THOMAS HARRIS, DOLORES A. KORZ, :
JOHN P. KILDUFF, KENNETH LEE d/b/a :
"I CAN GET IT FOR YOU WHOLESALE", :
SALLIE E. HARMON, PAUL RUGGIERO, :
MICHELLE RUGGIERO, TERRANCE :
DONNARY, ANDREW PERNA, KAREN :
PERNA, ROBERT McMAHON, CARL :
McMAHON, KELVIN M. LEWIS, MARCHELLE :
KIRBY, JHON GORDON, RUTH MONROE, :
EDWARD R. MATEO, ROSANN P. MATEO, :
ADAM DORAN, NICOLE DORAN, CREDENCE :
DEVELOPMENT INC., RICHARD DELISI, :
ADELAIDE FAULKNER, PAUL ESPEL, :
CAROL ESPEL, DAWN FORNOFF, RICHARD :
BURTON, GARY MARINA, and JOHN DOE :
NO. "1" through "10" inclusive, the names of the :
last ten defendants being fictitious, the true names :
being unknown to plaintiff, the parties intended :
being those having an ownership interest in :
property effected by a certain easement described :
in the complaint, :

Defendants. :
-----X

Civil Action No. 07-5739 (KMK)

SO ORDERED STIPULATION

<p>USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: _____</p>
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It is hereby stipulated and agreed by and between the undersigned counsel for plaintiff Columbia Gas Transmission Corporation ("Columbia") and counsel for defendants Lewis Perry, Yolanda Perry, Alexander Road Association, Edward Mateo, Rosann Mateo, Adam Doran, Nicole Doran, Creedence Development, Inc. and Richard Delisi (collectively "Appearing Defendants") as follows:

1. That Appearing Defendants hereby consent to the preliminary injunctive relief requested in Columbia's Order to Show Cause, dated October 1, 2007, in that Appearing Defendants consent to Columbia, and its agents and assigns, having immediate access onto Appearing Defendants' respective properties in order to perform certain preconstruction work in connection with the Millennium Pipeline Project.

2. That, in so consenting to Columbia's application for injunctive relief, the Appearing Defendants do not agree with Columbia's position that Columbia has a fifty-foot permanent right-of-way across the Appearing Defendants' properties and specifically reserve the right to contest Columbia's position with respect to the width of its permanent right-of-way granted under the terms of the Lilian Alexander Easement – a copy of which is annexed to the Complaint in this action as Exhibit A.

3. That the failure of the other named defendants to respond to Columbia's Order to Show Cause, dated October 1, 2007, does not, in any way, prejudice any rights of the Appearing Defendants.

4. That entry of a Default Judgment for the relief requested in the complaint against those named defendants that have not appeared in this action will not, in any way, prejudice any rights of the Appearing Defendants.


5. The parties agree that Columbia will post a bond in the amount of \$30,000, by

November 1, 2007

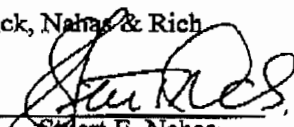
KMK

6. The Parties agree that this So Ordered Stipulation may be executed in one or more counterparts, each of which will be deemed an original, but all of which will constitute one and the same instrument, and each of the parties shall deliver their counterparts to the other parties.

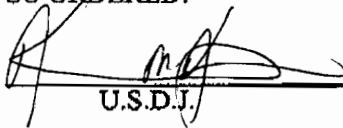
REED SMITH LLP

By: 
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Zraick, Nahas & Rich

By: 
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212-686-0855

SO ORDERED:


U.S.D.J.

dated: 10/16/07